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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,978	06/13/2000	Manu Kumar	M-11291 US	6887
23639	7590	10/22/2004	EXAMINER	
BINGHAM, MCCUTCHEN LLP THREE EMBARCADERO, SUITE 1800 SAN FRANCISCO, CA 94111-4067			DELGADO, MICHAEL A	
			ART UNIT	PAPER NUMBER

2144

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/593,978

Applicant(s)

KUMAR, MANU

Examiner

Michael S. A. Delgado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 5-9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/05/2004 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-3, 5-6, and 15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 5-9 and 11-15 rejected under 35 U.S.C. 102(e) as being anticipated by EP No. 926,614 by Petras et al.

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In claim 1, Petras teaches about a computer system for monitoring website activity, the computer system comprising (Col 7, lines 30-40):

a computer program executable by the computer for tracking a visit to a website by plurality of visitors (Col 7, lines 35-45); and

for identifying the each visitor (Col 7, lines 35-45);

the computer program comprising:

computer instructions for monitoring progress of the each visitor to additional pages within the website (Col 7, lines 35-45);

initiating direct communication with that least one visitor according to the progress of the visitor to the additional pages within the website (Col 8, lines 15-30);

indicating the number of visitors accessing each of said additional page within the website (Fig 5); and

indicating the number of visitors comprises displaying a radar screen that provides on one screen a visual comparison of different locations within the website where the visitors are browsing (Fig 5).

In claim 2, Petras teaches about an apparatus computer system as recited in claim 1 further including computer instructions for indicating the number of visitors accessing each of said additional page-pages within the website (Fig 5) (Col 12, lines 35-40).

In claim 5, Petras teaches about a computer system as recited in claim 1 wherein said

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computer instructions for initiating direct communication with the visitor comprise a text box which is presented to the visitor by a customer service representative, the text box further including computer instructions for identifying the customer service representative to the visitor and an interactive dialog box for the exchange of information between the customer service representative and the visitor (Col 8, lines 25-35).

In claim 6, Petras teaches about a method of providing customer service to a website visitor, the method comprising (Col 8, lines 15-30):

identifying to a website customer service representative that a visitor has accessed the website (Col 8, lines 20-30);

identifying the visitor to the customer service representative (Col 8, lines 20-30);

monitoring progress of the visitor to additional pages in the website (Col 7, lines 35-45);

operably connecting the customer service representative with the visitor (Col 8, lines 15-30); and

providing a dialog box from the customer service representative to the visitor such that instantaneous real-time communication is initiated between the customer service representative and the visitor based on the monitored progress of the visitor to the additional pages in the website (Col 8, lines 25-35);

wherein detecting the browsing pattern comprises indicating that the visitor is navigating through pages of the website and providing the dialog box comprises directing the visitor to a page that is of interest to the visitor (Col 8, lines 15-30) (Col 8, lines 35-45).

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In claim 7, Petras teaches about a method of claim 6, further comprising:  
detecting a browsing pattern from the monitored progress (Col 8, lines 15-20).

In claim 8, Petras teaches about a method of claim 7, wherein detecting the browsing pattern comprises indicating that the visitor is purchasing an item; and providing the dialog box comprises helping the visitor purchase the item (Col 8, lines 15-30).

In claim 9, Petras teaches about a method of claim 7, wherein detecting the browsing pattern comprises indicating that the visitor is actively seeking information and providing the dialog box comprises providing desired information to the visitor (Col 8, lines 15-30).

In claim 11, Petras teaches about a computer system of claim 1, wherein the computer program further comprises:

computer instructions for detecting a browsing pattern from the monitored progress (Col 8, lines 15-20).

In claim 12, Petras teaches about a computer system of claim 11, wherein said computer instructions for detecting the browsing pattern comprises computer instructions for indicating that the visitor is purchasing an item (Col 8, lines 15-30); and

said computer instructions for initiating direct communication comprises computer instructions for helping the visitor purchase the item (Col 8, lines 25-35).

In claim 13, Petras teaches about a computer system of claim 11, wherein said computer instructions for detecting the browsing pattern comprises computer instructions for indicating that the visitor is actively seeking information (Col 8, lines 15-30); and said computer instructions for initiating direct communication comprises computer instructions for providing desired information to the visitor (Col 8, lines 25-35).

In claim 14, Petras teaches about a computer system of claim 11, wherein said computer instructions for detecting the browsing pattern comprises computer instructions for indicating that the visitor is navigating through pages of the website (Col 8, lines 15-30); and said computer instructions for initiating direct communication comprises means computer instructions for directing the visitor to a page that is of interest to the visitor (Col 8, lines 25-35).

In claim 15, Petras teaches about a computer system of claim 1, wherein said computer instructions for initiating direct contact comprises computer instructions for sending a message to the visitor based on the monitored progress (Col 8, lines 15-30).

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,091,417 by Lefkowitz, teaches about a graphical user interface.

US Patent No. 6,032,129 by Greef et al, teaches about a customer centric virtual shopping experience with actors agents and persona.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is (571) 272-3926. The examiner can normally be reached on 7.30 AM - 5.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PETRAS A CUCHLINSKI JR can be reached on (571) 272-3925

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
MD

  
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